

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOSEPH BRUNEAU,

Plaintiff,

Case no: 1:18-cv-598

v.

Hon. Gordon J. Quist

CITY OF HILLSDALE,
STEVE PRATT,
BRADLEY MARTIN,
SHELBY RATHBUN,
DUSTIN ZIMMERMAN, and
COREY DOW,
in their individual and
official capacities,

Defendants.

JOSEPH BRUNEAU, in pro per
5020 Carson Ave. SW
Grand Rapids, MI 49548
616-238-8558

ROGER A. SMITH P27722
Vandever Garzia, P.C.
Counsel for Defendants
840 W. Long Lake Rd., Ste. 600
Troy, MI 48098
248-312-2955 Fax 248-312-2800
rsmith@vgpclaw.com

**REPLY BRIEF IN SUPPORT OF
MOTION TO QUASH SERVICE OF PROCESS
AND PROOF OF SERVICE**

Plaintiff Bruneau misstates facts in paragraphs 3 and 4 of his brief in response to the defendants' motion to quash service of process.

On August 27, 2018, attorney Beth A. Andrews of the law firm of Vandever Garzia, P.C. telephoned plaintiff at the telephone number listed on his complaint in order to comply with this Court's W.D. Mich. LR 7.1(d). She called him to request his concurrence in the relief sought in this motion, i.e., to quash the attempted service of process on the defendants. It was a brief conversation. She explained that the mailings to the defendants did not constitute proper service of process and the defendants were asking the court to quash that attempted service. At no time during that telephone conversation did plaintiff ever indicate that he did not regard his mailings to the defendants (via regular, U.S. Mail) to constitute service of process upon them. In fact, he insisted the opposite: that the defendants HAD been served. To that, attorney Andrews replied that they had not been properly served as required under the Federal Rules of Civil Procedure. After insisting again that the defendants had been served, Mr. Bruneau stated that he would not concur in defendants' motion, and the conversation terminated. There was no discussion whatsoever about summonses or about any conversations with the court clerk.

This is all set forth in the attached affidavit of attorney Andrews.

Subsequent to the above conversation and the filing of the defendants' motion to quash service of process, however, summonses were submitted to the U.S. Marshal for service on the defendants, all of whom have now been properly served. Responsive pleadings will be timely filed with the Court.

VANDEVEER GARZIA, P.C.

/s/ Roger A. Smith

ROGER A. SMITH P27722

Counsel for Defendants

840 West Long Lake Rd., Ste. 600

Troy, MI 48098

248-312-2800 Fax 248-873-0042

rsmith@vgpclaw.com

Dated: September 19, 2018

PROOF OF SERVICE

Tamara L. Gauthier-Cecil, on behalf of the law firm of Vandevveer Garzia, P.C., hereby certifies that on September 19, 2018, she served a copy of

- *Reply Brief in Support of Motion to Quash Service of Process,*
- *Affidavit of Attorney Beth A. Andrews*

and this *Proof of Service* on Plaintiff Joseph Bruneau by mailing same to the address below as disclosed on the pleadings via United States Mail with first class postage prepaid:

Mr. Joseph Bruneau
5020 Carson Avenue, SW
Grand Rapids, MI 49548

/s/ Tamara L. Gauthier-Cecil

Tamara L. Gauthier-Cecil

Legal Administrative Assistant